

Guidelines for the Enforcement of the Postal Act by the Ministry of Transportation and Communications

1. These Guidelines are being established by the Ministry of Transportation and Communications (hereinafter referred to as “the Ministry”) to carry out supervision of postal affairs, to maintain the postal monopoly and to ensure the order of postal market and the right of the general public to access postal services.
2. The documents franchised by Chunghwa Post Co., Ltd. (hereinafter referred to as Chunghwa Post) mentioned in the Guidelines refer to postcards, letter sheets and letters specified in Paragraph 1, Article 6 of the Postal act.
3. The administrative inspections in matters related to the supervision of postal affairs are conducted by authorized persons of the Department of Posts and Telecommunications of the Ministry (hereinafter referred to as “the Inspection Agency”), or, in conjunction with police authorities. The Inspection Agency may request the assistance of personnel from any or all of the following departments, agencies or organizations:
 - (1) Relevant departments of the Ministry and agencies under the Ministry.
 - (2) Other administrative bodies specified under Article 19 of the Administrative Procedure Act.
4. Procedures for gathering evidence and enforcement:
 - (1) Upon discovering a suspected violation of the Postal Act that would be subject to an administrative penalty, either based on an informant’s tips or discoveries made by staff while performing their duties, if the violating party was under the administrative act due to the same cause of violation, then the Enforcing Agency shall first investigate that whether the case of violation happened before the delivery of the administrative act notification.
 - (2) If the case of violation happened before the delivery of the administrative act notification, the Enforcing Agency shall state the reason for the exemption of

penalty and close the case. Otherwise, the Enforcing Agency shall assemble the facts, evidence and relevant information regarding the violation, and fill out a “Postal Act Enforcement Report by the Ministry of Transportation and Communications” (hereinafter referred to as “the Enforcement Report”—see Form I). When it is necessary to gather evidence on site, the Enforcing Agency shall establish a case file and fill out a “Postal Act Enforcement Record by the Ministry of Transportation and Communications” (hereinafter referred to as “the Enforcement Record”— see Form II, in triplicate).

- (3) Evidence gathered shall be photographed, videotaped, and otherwise documented to make a record for filing, and the items of documentation shall be listed on the back of the Enforcement Record before the following steps are taken:
 - (i) When evidence includes documents which violate the regulations for the documents franchised by Chunghwa Post (as specified in Paragraph 1, Article 6 of the Postal Act) that have not yet been delivered, the Enforcing Agency shall notify the violator to return the aforementioned mail items to the senders.
 - (ii) When evidence includes mail items which violate the regulation of Paragraph 1, Article 6 of the Postal Act and is ordered by the Ministry to rectify but fail to be rectified. The mail items that have not yet been delivered, the Enforcing Agency shall notify the violator to return the aforementioned mail items to the senders.
 - (iii) When the evidence includes words, graphics, symbols or some combination thereof (whether in Chinese or foreign languages) that Chunghwa Post Co., Ltd., uses to display its business titles, services or products as specified in Article 7 of the Postal Act, or includes illegally issued or produced vouchers similar to postage stamps with numbers or marks suggesting

payment of postage as specified in Article 15 of the Postal Act, the Enforcing Agency shall notify the violator to cease and desist (e.g. to stop using or to destroy them) within a given time limit.

(iv) When the evidence is a mail item that was received by mistake as specified in Article 39 of the Postal Act, the foregoing mail item shall be forwarded to Chunghwa Post Co., Ltd., which shall dispose of it in accordance with the laws.

(v) Items of gathered evidence that are not necessary to keep or that are confiscated for cases where the investigation reveals that no law has been broken shall be returned to the violator.

(4) In the event that the Enforcing Agency finds any violation specified in the Postal Act and needs to enter the site to conduct an administrative inspection, it shall follow the protocol laid out in the “Guidelines for Administrative Inspection by the Ministry of Transportation and Communications in Matters Related to the Supervision of Postal Affairs.”

5. Administrative Procedures:

(1) When the Enforcing Agency found any violation according to the Enforcement Report mentioned in Paragraph 2 of the preceding article, the Enforcement Record and evidence gathered, the following procedures shall be followed:

(i) Before imposing an administrative penalty, the Enforcing Agency shall, in accordance with Articles 102 and 104 of the Administrative Procedure Act, notify the concerned party in writing to make a statement on the matter. The only exception is for cases where, at the time of the enforcement, opportunities to make a statement have already been granted and such a statement has been clearly recorded on the Enforcement Record and read to or given to the concerned party to read before requesting the concerned party to sign or affix his/her seal.

- (ii) The Enforcing Agency shall notify the violator to state its opinion. If the violator fails to state its opinion within 7 days from the day after its receipt of the notification, or the statement made by it is not applicable, the Enforcing Agency may promptly execute the enforcement action.
- (iii) When filling out the “Postal Act Violation Enforcement Form by the Ministry of Transportation and Communications,” (see Form III, in sextuplicate), the Enforcing Agency shall follow the relevant regulations prescribed in the Administrative Procedure Act.
- (iv) In the enforcement form, it shall be specified that the concerned party shall immediately stop its illegal behavior. A concerned party which fails to do so will be punished in accordance with the Postal Act.
- (v) In the event that the concerned party objects to the Enforcing Agency’s decision and files an appeal with the Ministry, an investigation shall be made to determine whether there are grounds for such an appeal. When it is found that the concerned party does have grounds for appeal, then the original decision should be annulled or changed. When it is found that the concerned party has no grounds for appeal, then the defense response and the related information shall be forwarded to the Executive Yuan for action; in addition, a copy of the defense response shall be delivered to the concerned party.
- (vi) For overdue fines, the Enforcing Agency may send a one-time “Overdue Notice for Payment of Fines Levied by the Ministry of Transportation and Communications” (see Form IV, in quadruplicate) by registered mail along with a new deadline for payment and a certificate of service.
- (vii) In the event that the violator refuses to pay fines even after the new deadline mentioned in the preceding subparagraph, the Enforcing Agency shall forward the

case to the proper authorities for administrative enforcement in accordance with the proviso to Paragraph 1, Article 4 of the Administrative Execution Act.

- (2) Upon discovering a suspected violation of Articles 36 and 38 of the Postal Act when conducting enforcement actions, the Enforcing Agency shall, in accordance with the Law of Criminal Procedure, forward the relevant evidence along with a report to the district prosecutors' office in charge.
 - (3) When, in accordance with the evidence and information gathered, it is found that no law has been broken, the Enforcing Agency shall file a report with a description of the investigation and conclude the case. However, the Enforcing Agency may continue to conduct follow-up inspections.
6. For the list of the applicable regulations and fines for cases of administrative penalty arising from the violation of the Postal Act, please refer to Form V.
For the calculation of the number of violations in Form V, the violation occurred before November 1, 2019 shall not be counted.
7. The Ministry may, at its discretion, approve the application of paying the fines by instalments issued by the violator if he/she fits any of the following circumstances:
- (1) The violator is unable to pay the fine at one time due to his/her financial situation.
 - (2) The penalties are not payable in one lump sum due to natural disasters or other force majeure events that cause significant property damage to the violator.
- When applying for payment of fines by instalments, the violator shall submit an application form (as shown in Form VI) and relevant documents to provide reasons for application.
The fine shall be paid in instalments of one month, subject to a maximum of ten instalments. The amount payable in

each instalment shall not be less than one-tenth of the total amount of the fine and shall not be less than NTD 20,000. During the period of installment, the violator may not apply for installment payment for other cases in which he/she has been sanctioned for violating the provisions of the Postal Act.

If the violator fails to pay the fine by installment after the approved installment is paid, and if the penalty is not paid after one reminder, the Ministry may revoke the penalty by installment and refer the remaining amount of the penalty to administrative enforcement.

After the application of Instalment is approved, if the violator fails to pay any Instalment within the deadline (after one reminder, and still fails to pay), the Ministry may cancel the instalments and transfer the remaining fines for administrative execution.

8. The Inspection Agency shall conduct an annual review before the end of the year and submit a report detailing the results of the review to the minister and vice ministers.

Form I:

Date: _____

Postal Act Enforcement Report by the Ministry of
Transportation and Communications

Number: _____

Date	<u> </u> (Month/Day/Year)	Description of how violation was discovered	
Violation			
How enforcement was handled and the result			
Participating units	Enforcing agency		Participant(s)
	Police authority(s)		Participant(s)
	Assisting unit(s)		Participant(s)

Form II: Postal Act Enforcement Record by the Ministry of
 Transportation and Communications Number: _____

Violator		Date of Birth	_____ (Mo/Day/Yr)	ID no. or Certificate of Business Registration No.		Sex	<input type="checkbox"/> : M <input type="checkbox"/> : F
Violator's address						Telephone No.	
Company's address						Telephone No.	
Date of Enforcement	_____ at __:__ <input type="checkbox"/> AM (Mo/Day/Yr) <input type="checkbox"/> PM			Location of Enforcement			
Evidence	<input type="checkbox"/> Documents franchised by Chunghwa Post <input type="checkbox"/> Letters without the name, trademark or other symbol for identification of the mail delivery organization <input type="checkbox"/> Words, graphics, symbols or combinations thereof used exclusively by Chunghwa Post. <input type="checkbox"/> Vouchers suggesting payment of postage <input type="checkbox"/> Others			Volume (number of pieces)	Documents franchised by Chunghwa Post		
					Others		

<p>Violations and Applicable Regulations</p>	<ol style="list-style-type: none"> 1. <input type="checkbox"/> Engaging in the business of delivering documents franchised by Chunghwa Post. 2. <input type="checkbox"/> Forwarding agency delivering correspondence other than delivery notices connected with shipments. * Both the offenses, 1. and 2., mentioned above, in violation of Article 6 of the Postal Act, are subject to fines of NT\$200,000 to NT\$1,000,000 in accordance with Paragraph 1, Article 40 of the same act with an order to cease and desist; failure to comply with the regulation may result in successive fines. 3. <input type="checkbox"/> The mail delivery organization that did not mark its name, trademark or other symbol for identification on the cover of the letter. (letters without address and name of recipient not included) ※ Violation of Article 6-1 of the Postal act shall be ordered to rectify within a deadline in accordance with the provisions of Paragraph 2, Article 40 of the Postal act; those who fail to rectify before deadline shall be fined between NT\$20,000 and NT\$100,000 and may result in successive fines. 4. <input type="checkbox"/> Using the same words, graphics, symbols or combinations thereof (both in Chinese and foreign languages) that Chunghwa Post Co., Ltd., uses to display its business titles, services or products without its authorization. * Violation of Article 7 of the Postal Act, in accordance with Article 41 of the same act, shall be subject to a fine of NT\$20,000 to NT\$100,000 with an order to cease and desist within a given time limit; failure to comply by the deadline may result in successive fines. 5. <input type="checkbox"/> Issuing or producing without permission vouchers similar to postage stamps with numbers or marks suggesting payment of postage. * Violation of Article 15 of the Postal Act shall be, in accordance with Article 42 of the same act, subject to a fine of NT\$20,000 to NT\$100,000. The fine may be levied successively for each subsequent offense. 6. <input type="checkbox"/> Other violations: * Violation of Article ____ of the Postal Act shall be, in accordance with Article ____ of the same act, subject to a fine of NT\$ ____ to NT\$ _____. The fine ____ be levied for each subsequent offense.
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<p>Statement</p>	<ol style="list-style-type: none"> 1. Explanation: (1) In accordance with Article 102 of the Administrative Procedure Act, you may state your opinions regarding the violation hereof; you may also submit a statement to the Ministry within 7 days from today. After that date, it will be deemed that you have waived your right to make a statement and the case will be judged according to the evidence currently at hand.
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	<p>(2)The suspect agrees that the official(s) conducting the enforcement did not harm the suspect, damage anything on the site or in any way act in an unlawful manner.</p> <p>2. Suspect's statement:</p> <p style="text-align: center;">Signature or Seal of the Suspect: _____</p>							
Remarks	<p><input type="checkbox"/> 1. ___ pieces of the documents franchised by Chunghwa Post were found, and a record was made with photographs, videotape, or other methods of documentation, which will be filed with this Record for future reference. The suspect shall return these items of correspondence to the senders.</p> <p><input type="checkbox"/> 2. The case in point is the violation of lacking mail delivery organization's name, trademark or other symbols for identification on the cover of mails. The total number of violations is _____ pieces after calculation, and a record was made with photographs, videotape, or other methods of documentation, which will be filed with this Record for future reference. The party being enforced should rectify before the deadline.</p> <p><input type="checkbox"/> 3. ___ items of mail using the same words, graphics, symbols or combinations thereof that Chunghwa Post uses exclusively, or vouchers suggesting payment of postage were found and a record was made with photographs, videotape, or other methods of documentation, which will be filed with this Record for future reference. The suspect shall stop using or destroy these items immediately.</p> <p><input type="checkbox"/> 4. Others:</p>							
Signature or Seal of the Violator:								
Signature or Seal of the Official in Charge		Unit & Title		Telephone Number		Assisting Unit Personnel	Police Unit	
							Concerned Unit	

First Copy: Suspect's Copy

Second Copy: File Copy

Third Copy: Copy for the Unit in Charge

**Form III: Postal Act Violation Enforcement Form by the
Ministry of Transportation and Communications**

Date: _____ **NO.** _____

Violator		ID No. or Certificate of Business Registration No.		Date of Birth <hr/> (Mo/Day/Yr)
Address				
Description of the Violation				
Location of Violation				
In Violation of		Date and Time of Violation		
Basis for penalty Levied				
Penalty	Pay By			
	Method of Payment		Bank Remittance	
	Remit to		Treasury Bureau, Central Bank of China	
	Beneficiary		Account for Fines, MOTC	
	Beneficiary's Account No.		04290101018008	
Remarks	<ol style="list-style-type: none"> 1. In the event that the violator has objections to this decision, the violator may file an appeal within 30 days after this form is served, which will then be forwarded by the Ministry to the Executive Yuan. 2. Failure to pay the fine imposed hereof on time shall result in administrative enforcement in accordance with the proviso of Paragraph 1, Article 4 of the Administrative Execution Act. 3. The concerned party shall immediately stop its illegal behavior. A concerned party which fails to do so will be punished and fined with successive fines in accordance with the Postal Act. 4. According to the provisions of Article 22 of Enforcement Rules of National Treasury Act, the financial institution, central government agencies are waived of the obligation of issuing receipts to remitters or payers if payments are collected by commissioned financial organizations, other organizations or foundations which have already issued receipts to remitters or payers to avoid repetition. Remitters and payers are advised to keep their receipts well. 			

First Copy: Violator's Copy

**Second Copy: For Government Unit Executing Compulsory
Enforcement**

Third Copy: Copy of Unit in Charge

Fourth Copy: Accountant's Copy

Fifth Copy: File Copy

Minister: _____

**Form IV: Overdue Notice for Payment of Fines Levied by the
Ministry of Transportation and Communications**

Date:

NO.

Violator		ID No. or Certificate of Business Registration No.		Date of Birth <hr/> (Mo/Day/Yr)
Address				
Violation				
Basis for imposing penalty				
Date and Number of the Violation Enforcement Form				
Payable on or before				
Amount due				
Method of payment	Bank Remittance (To: Treasury Bureau, Central Bank of China, Beneficiary: Account for Fines, MOTC, Beneficiary's Account Number: 04290101018008)			
Remarks	<ol style="list-style-type: none"> 1. This is a one-time overdue notice; please remit the payment after the receipt of this notice within time limit (within 30 days from the day after the day of receipt). Failure to comply will result in administrative enforcement in accordance with the proviso of Paragraph 1, Article 4 of the Administrative Execution Act. 2. The violator will be liable for the execution fee, traveling expenses and postage incurred from the administrative enforcement. 3. According to the provisions of Article 22 of Enforcement Rules of National Treasury Act, the financial institution, central government agencies are waived of the obligation of issuing receipts to remitters or payers if payments are collected by commissioned financial organizations, other organizations or foundations which have already issued receipts to remitters or payers to avoid repetition. Remitters and payers are advised to keep their receipts well. 			

First Copy: Violator's Copy

**Second Copy: For the Government Unit Executing Compulsory
Enforcement**

Third Copy: Copy of Unit in Charge

Fourth Copy: File Copy

Minister: _____

Form V:

Item	Violation	Applicable Law	Amount of Fine (NT\$)	Standard for Fine (NT\$)
1	Violation of the provision of Paragraph 1, Article 6 of the Postal Act, which refers to engaging in the business of delivering documents franchised by Chunghwa Post, or the provision of Paragraph 2 of the same Article, which is delivering documents other than notifications related to goods.	Paragraph 1, Article 40 of the Postal Act	NT\$200,000 to NT\$1,000,000	For the first offense, the violator will be subject to a minimum NT\$200,000 fine, and a written notification will be sent to ask the violator to stop such behaviors; Failure of stopping such behaviors may result in successive fines. The violator will be fined another NT\$200,000 for the second offense and so on, until the maximum of NT\$1,000,000 is reached. Those who commit serious violations may be fined the maximum for the first offense.
2	Violation of the provision of Article 6-1 of the Postal Act, which refers to the failure to mark the name, trademark or other symbols for identification of the mail delivery organization on the cover of a mail item, and have been ordered by the Ministry to rectify before a deadline but failed to comply with.	Paragraph 2, Article 40 of the Postal Act	NT\$20,000 to NT\$100,000	A violator who fail to rectify his behavior before the ordered deadline will be subject to a minimum NT\$20,000 fine for the first offense; and another NT\$20,000 for the second offense, and so on, until the maximum of NT\$100,000 is reached. Those who commit serious violations may be fined the maximum for the first offense.
3	Violation of Article 7 of the Postal Act, which refers to using words, graphics, symbols or the combinations thereof (whether in Chinese or foreign languages) that Chunghwa Post uses to display its business titles, services or products.	Article 41 of the Postal Act	NT\$20,000 to NT\$100,000	For the first offense, the violator will be subject to a minimum NT\$20,000 fine, and a written notification will be sent to ask the violator to rectify such behaviors before a specified time limit; Failure of rectifying such behaviors may result in successive fines. The violator will be fined another NT\$20,000 for the second offense and so on, until the maximum of NT\$100,000 is reached. Those who commit serious violations may be fined the maximum for the first offense.

4	Violation of Article 15 of the Postal Act, which refers to issuing or producing vouchers that are similar to postage stamps with numbers or marks suggesting payment of postage.	Article 42 of the Postal Act	NT\$20,000 to NT\$100,000	For the first offense, the violator will be subject to a minimum NT\$20,000 fine, and successive fines may be resulted from different times of violation. The violator will be fined another NT\$20,000 for the second offense and so on, until the maximum of NT\$100,000 is reached. Those who commit serious violations may be fined the maximum for the first offense.
5	Intentional delay of refusal of transporting mail items without any just cause when being responsible for providing assistance in transporting mail items in accordance with Paragraph 1, Article 26 of the Postal Act.	Article 45 of the Postal Act	NT\$20,000 to NT\$100,000	For the first offense, the violator will be subject to a minimum NT\$20,000 fine. The violator will be fined another NT\$20,000 for the second offense and so on, until the maximum of NT\$100,000 is reached. Those who commit serious violations may be fined the maximum for the first offense.
6	Violation of Article 28 of the Postal Act, which refers to shunning, impeding, or refusing any inspection by the inspectors from the competent regulatory agency or the presentation of related documents.	Article 43 of the Postal Act	NT\$20,000 to NT\$100,000	For the first offense, the violator will be subject to a minimum NT\$20,000 fine, and successive fines may be resulted from different times of violation. The violator will be fined another NT\$20,000 for the second offense and so on, until the maximum of NT\$100,000 is reached. Those who commit serious violations may be fined the maximum for the first offense.
7	Intentional refusal to return mail items that were received by mistake.	Article 39 of the Postal Act	NT\$2,000 to NT\$10,000	For the first offense, the violator will be subject to a minimum NT\$2,000 fine. The violator will be fined another NT\$2,000 for the second offense and so on, until the maximum of NT\$10,000 is reached. Those who commit serious violations may be fined the maximum for the first offense.

Form VI:

Ministry of Transportation and Communications Instalment Payment of Fines Application Form

Name or Institution		Contact Number (Daytime and Mobile)	Business administration number (BAN) or ID no.	Address and postal code	
Violator				Company Address:	
Statutory agent or representative				Household Address:	
Date and Number of the Violation Enforcement Form		Statutory Basis			
<p>1. Qualifications and reasons for application: (Please check as applicable.)</p> <p><input type="checkbox"/> The violator is unable to pay the fine at one time due to his or her financial situation.</p> <p><input type="checkbox"/> The penalties are not payable in one lump sum due to natural disasters or other force majeure events that cause significant property damage to the violator.</p> <p>2. Provide the reasons for applying for the payment of fines in Instalments.</p> <p>3. Please attach relevant documents: (Please check as applicable.)</p> <p><input type="checkbox"/> The most recent annual income tax return.</p> <p><input type="checkbox"/> Proof of property damage.</p> <p><input type="checkbox"/> Proof of operating loss or other poor economic condition.</p> <p>4. Application for Instalment.</p> <p>(1) In a total of _____ penalties imposed; the amount of fines: _____ (NTD)</p> <p>(2) The application is to be paid in _____ Instalments.</p> <p>(3) The payment dates and amounts of each Instalment are as follows.</p>					
Instalment	Payment Date	Amount (NTD)	Instalment	Payment Date	Amount (NTD)
1			6		
2			7		
3			8		
4			9		

The violator agrees that after the application of Instalment is approved, if he/she fails to pay any Instalment within the deadline (after one reminder, and still fails to pay), he/she is willing to be subject to administrative enforcement in accordance with the provisions of The Administrative Execution Act, without any objection.

Applicant (the violator) signature:

Statutory agent or representative signature:

Date: